

Regarding the scope of the Gateway Pacific Terminal EIS;

The negative effects of extracting, transporting, and burning coal are well documented. Some of them include; heavy metal contamination of runoff water at mine sites, acidic contamination of runoff at mine sites, point-source air pollution at mine sites, air pollution issues from trains used in transporting coal, local pollution from fugitive coal dust from trains, traffic issues from coal trains, risk of marine pollution from vessel accidents, an increase in airborne particulate matter from burning coal, an increase in mercury pollution from burning coal (which manifests itself as terrestrial, airborne, and marine environments, often ending up in the food chain to be consumed by humans), severe terrestrial pollution from coal ash, etc.

The extraction, transport, and burning of coal are irreversibly intertwined. None of these activities would exist without the other two. In some instances one of them can be minimized, such as the siting of a coal-fired power plant at a mine site to minimize the transportation costs. However at the end of the day, they are all inextricably dependent upon each other. As such, they all share a joint and severable liability-parties performing each of the aspects are responsible for all the aspects. This is supported by the WAC code 197-11-60 (4) Impacts, which reads;

Impacts.

(a) SEPA's procedural provisions require the consideration of "environmental" impacts (see definition of "environment" in WAC [197-11-740](#) and of "impacts" in WAC [197-11-752](#)), with attention to impacts that are likely, not merely speculative. (See definition of "probable" in WAC [197-11-782](#) and [197-11-080](#) on incomplete or unavailable information.)

(b) In assessing the significance of an impact, a lead agency shall not limit its consideration of a proposal's impacts only to those aspects within its jurisdiction, including local or state boundaries (see WAC [197-11-330](#)(3) also).

(c) Agencies shall carefully consider the range of probable impacts, including short-term and long-term effects. Impacts shall include those that are likely to arise or exist over the lifetime of a proposal or, depending on the particular proposal, longer.

(d) A proposal's effects include direct and indirect impacts caused by a proposal. Impacts include those effects resulting from growth caused by a proposal, as well as the likelihood that the present proposal will serve as a precedent for future actions. For example, adoption of a zoning ordinance will encourage or tend to cause particular types of projects or extension of sewer lines would tend to encourage development in previously unsewered areas.

(e) The range of impacts to be analyzed in an EIS (direct, indirect, and cumulative impacts, WAC [197-11-792](#)) may be wider than the impacts for which mitigation measures are required of applicants (WAC [197-11-660](#)). This will depend upon the specific impacts, the extent to which the adverse impacts are attributable to the applicant's proposal, and the capability of applicants or agencies to control the impacts in each situation.

This is also established in the SEPA Handbook, section 2.4.1;

2.4.1. Defining the entire proposal

Accurately defining the proposal is key to a successful SEPA process. It is necessary to define the entire proposal to:

- *Determine if SEPA is required.*
- *Determine agencies with jurisdiction and/or expertise.*
- *Determine lead agency.*

Assure that all related actions are evaluated in a single document, when required (WAC 197-11-060(3)(b)).

Defining the total proposal involves the identification of all the related and interdependent pieces of the proposal. For example, the local agency (city or county) is likely to be lead for development of a dairy farm that consists solely of building construction. If the dairy also required creation of a large water reservoir, the Department of Ecology would become lead agency for the proposal per the lead agency criteria in WAC 197-11-938.

A large proposal involving actions in vastly different locations, such as material being mined at one site, then transported to and processed at another, is another example of defining the entire proposal. Appropriate environmental review would look at the impacts of all the related activities.

It is important to remember that actions are related if they are dependent on each other, so that one will not happen without the other. Related actions may also be spread over time, such as the construction, operation, and closure phases of a proposal.

Related actions may have a single proponent or several. A golf course might be proposed by a private party. However, the city installing a water reuse system needed to serve the site would be a related action. Though the golf course and the water reuse system have separate proponents, since neither would/could proceed without the other, they should be considered together as one proposal under SEPA.

The aggregated health, economic, ecological, and cultural impacts to communities surrounding the mine, the rail lines on which this coal is to be shipped, the proposed GPT facility, the receiving point in China, its distribution in China, its burning in China and the emissions of this burning (which become problems felt globally) have not been assessed in a manner which takes into consideration the total significant adverse impacts over the lifetime of the facility. This is something which, by law (as defined by the codes cited above) must be done as part of the EIS.

The mining impacts aren't exclusively attributable to just GPT, but they do share a partial liability for the impacts seen as a result of it. They have a joint and severable liability for that portion of the mining which is performed for the purpose of extracting the coal which is transshipped at the GPT facility.

The transport-related impacts from the mine site to the terminal are directly attributable to GPT, since they can condition the carriage contract to specific terms which would identify mitigation measures. It is also directly attributable because the number and frequency of trains running is dependent upon the demand, which is based solely and exclusively on the GPT project and its need to have the bulk material transported.

Further, the terminal is the sole reason for either the rail traffic or the vessel traffic created as a result of its operation. The existing traffic is the baseline against which further increases are to be measured. These points should be verified and divulged as part of the EIS and used to establish the type and nature of mitigation.

An accurate assessment of the impacts of the GPT project, when performed according to the guidance in WAC 197-11-60(4) would include, at the minimum, the following studies and assessments;

1-An economic impact assessment- This would quantify the impact caused by the adverse **economic** impacts of the rail traffic on, at a minimum;

- existing prices for rail freight impacts to communities surrounding the railroad due to the increased rail traffic, the impact to price and availability of existing rail transportation, and the impact to state revenues as a result of reduced rail availability or increased rail transport prices
- impacts to businesses as a result of the new rail traffic with particular attention being paid to the impact resulting from a higher duration and frequency of blocked grade crossings
- impacts to property values as a result of the new rail traffic-this may require an assessment of the impact to property values due to an increase in rail traffic vs. the presence of new rail traffic where none existed prior
- municipal revenue impacts associated with the increase in rail traffic causing affected constituencies to no longer be able to host events which generate commerce from local and out-of-town residents
- impacts to regional fisheries and eco-tourism sourced revenues as a result of the new vessel traffic, damage from ballast water introduction of non-native species, the potential damage from an oil spill (either as cargo from a tanker or fuel from a bulk carrier or tanker) due to a collision, allision, or grounding, and the impact on the area from anti-fouling paints used on the vessels serving the facility and tugs assisting them

- impacts from grade crossings being blocked due to vessels not being able to access the terminal or the terminal not being able to load vessels (potential mitigations here could include a “no block/no idle” policy in the event this happens)
- Pursuant to WAC 197-11-60(4) d, the economic impact assessment (as well as other studies), must also take into consideration future growth due to improvements made as part of this project. This includes future growth in the volume of the terminal in question, as well as growth in the volume of traffic at other bulk facilities being served by the rail line to be upgraded in response to the needs of the GPT facility.
- Also pursuant to the same WAC section, the economic impact assessment should recognize that pollution related issues not dealt with contemporaneously will have to be addressed at some point in the future, either as health and ecosystem impacts due to deferred consequences/deferred costs associated with not addressing these emissions at the source. This applies to all types of pollution associated with all phases of the production/consumption cycle for coal, including greenhouse gas emissions.

2-A health impact assessment- This would quantify and qualify (to the extent possible) the impacts to human health as a result of the following;

- construction and operation of the terminal
- pursuant to the language in WAC 197-11-60(4) b and c, as well as the language in the SEPA handbook section 2.4.1, the health impacts associated with the mining and transport of the bulk material-this includes a comprehensive analysis of the emissions from the locomotives-particularly when idling and shortly afterwards when the locomotives accelerate from a siding, such as the planned south Bellingham siding (the rapid application of load to a cold diesel engine produces a very substantial increase in particulate matter until the engine is operating in a steady state)
- the health impact associated with the sleep disruption as a result of the locomotives being required to sound a horn at grade crossings
- the impact associated with the reduction or complete loss of emergency vehicle access at grade crossings
- the statistically expected increase in injuries or fatalities at grade crossings as a result of the increased rail traffic serving the GPT
- Pursuant to WAC 197-11-60(4) d, the health impact assessment (as well as other studies), must also take into consideration future growth due to improvements made as part of this project. This includes future growth in the volume of the terminal in question. Also pursuant to WAC 197-11-60(4)d, the health impact assessment should quantify the expected release of mercury and particulate into the

atmosphere at the location of end use. These are both point sources of pollutants with very serious health impacts both in the immediate environment as well as in the global environment due to their ease of dispersion once released into the atmosphere.

3-An environmental impact assessment- This would address the impact on the environment from a number of different sources, including the following;

- **Trains-**The trains used to serve the new terminal create substantial environmental impacts from their exhaust (32,000 or more locomotives per year transiting the route from the mine to the terminal),
 - fugitive coal dust in the proximity of both mine and terminal as well as along the way,
 - emissions from number and duration of vehicles idling at grade crossings,
 - potentially very substantial impacts from derailments of train/vehicle accidents, and
 - long-term effects of the noise from both the horns and the train cars.
 - impacts from grade crossings being blocked due to vessels not being able to access the terminal or the terminal not being able to load vessels (potential mitigations here could include a “no block/no idle” policy in the event this happens
- **Ships-**The vessels serving the facility are a point source for numerous pollutants and in other ways will create substantial adverse impacts on the environment. Some topics to consider here are;
 - exhaust emissions,
 - stormwater runoff (the vessels are not subject to compliance with the NPDES),
 - incidental small oil and chemical discharges (intentional or otherwise) of a chronic nature normally associated with ship operations,
 - ballast water discharges and the degree to which a single offshore exchange will prove effective in preventing non-native species or pathogens from impacting the local environment
 - Particular attention should be given to the very sensitive nature of the location of the vessel runoff discharges and ballast water discharge, and the degree to which they may adversely impact the biota of the Cherry Point Aquatic Reserve.
 - Particular attention should be paid as well as the degree to which the endangered southern resident orcas are subject to being adversely impacted by the noise from the vessels being loaded

- A thorough review should be given to the degree which the noise from vessel machinery and the bulk material loading process will impact the delicate nature of the critical ecosystems at the terminal's dock.
- impacts to the marine environment in the event that trains are unable to deliver product for a long enough period of time that vessels have to heave to or anchor while waiting (this is also a topic to include in a marine vessel risk analysis)
- impacts to the Cherry Point Aquatic Reserve ecosystem due to artificial lighting from ships or loading machinery
- impacts to regional fisheries and eco-tourism sourced revenues as a result of the new vessel traffic, damage from ballast water introduction of non-native species, the potential damage from an oil spill (either as cargo from a tanker or fuel from a bulk carrier or tanker) due to a collision, allision, or grounding, and the impact on the area from anti-fouling paints used on the vessels serving the facility and tugs assisting them

4-A marine vessel risk analysis-The location of the proposed facility, its proximity to an existing refinery, the complex and rocky shoreline in the area, and the very high volume of vessel traffic seen in the region all combine to create an environment at a very high risk for an accident. The resulting consequences would be devastating to the local environment and the economies upon which it is based. The EIS should contain a comprehensive vessel risk analysis. Such an analysis would contain, among other items the following;

- A survey of existing and projected vessel traffic
- A survey of area hazards
- An analysis of the potential consequences of an accident
- An analysis of the financial impacts of an accident
- An analysis of potential means for minimizing risk
- Recommended mitigation measures

Since the GPT facility has the potential to handle much higher volumes of material in the future than is stated in the existing proposal, this and other analyses should include a range of potential impacts which reflects the possibility of growth at the terminal in the future. This need is reflected in the language of WAC 191-11-60(4)c.

The quantification of adverse impacts identified should be based on the cumulative impacts of the terminal and related activities over the lifetime of the facility per WAC 190-11-60(4)c.